

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:06cr147

UNITED STATES OF AMERICA

vs.

JORGE MARICIO VASQUEZ

ORDER

THIS MATTER is before the Court upon motion of the defendant pro se for re-sentencing pursuant to Fed. R. Crim. P. 12(b)(3). (Doc. No. 56).

The defendant claims that the Court lacked jurisdiction to impose sentence based on its own finding of drug quantity, as opposed to an admission by the defendant or jury determination. (Doc. No. 56: Motion at 5). The Fourth Circuit has already determined that the Court properly held the defendant responsible for at least five kilograms of cocaine based on his plea to conspiring to possess with intent to distribute that amount of drugs. (Doc. No. 52: Opinion at 4). The instant motion is insufficient to upset that determination.

IT IS, THEREFORE, ORDERED that the defendant's motion is **DENIED**.

Signed: October 24, 2008



Robert J. Conrad, Jr.
Chief United States District Judge



The Clerk is directed to certify copies of this order to the defendant, counsel for the defendant, and to the United States Attorney.

Signed: October 24, 2008

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
Chief United States District Judge

